

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

ELLEN M. MCCURDY,	)	
	)	
Appellant,	)	
	)	
v.	)	Civil No. 04-12460-RWZ
	)	
INTERNAL REVENUE SERVICE,	)	
	)	
Appellee.	)	

UNITED STATES' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

The United States of America, by its undersigned counsel, moves to dismiss appellant's action on the grounds that appellant has failed to state a claim upon which relief can be granted. A memorandum in support of this motion is being filed contemporaneously with this motion. Pursuant to Local Rule 7.1, counsel for the United States left a voice mail message for the pro se appellant indicating our intention to file this motion.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

I hereby certify that a true copy of the  
above document was served upon (each party  
appearing pro se and) the attorney of record  
for each other party by mail on

4/7/05 - Lydia Bottome Turanchik

/s/ Lydia Bottome Turanchik  
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